

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOC #: <u>2/15/12</u>
DATE FILED: <u>2/15/12</u>

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CADLEROCK JOINT VENTURE, L.P., : 10 Civ. 4553 (RJH)

: Plaintiff,

: -against-

EDWIN NEGRON

: Defendant.

ORDER
ADOPTING REPORT
AND
RECOMMENDATION

Plaintiff CadleRock Joint Venture, L.P. (“CadleRock”) commenced this action to recover on a promissory note executed by defendant Edwin Negron (“Negron”). On October 25, 2010, this Court granted plaintiff’s motion for a default judgment against Negron as to liability, but referred the matter to United States Magistrate Judge Frank Maas to conduct an inquest regarding damages.

On November 21, 2011, Magistrate Judge Maas issued a Report and Recommendation (the “Report”) determining the principal, interest, late fees, fees, and costs incurred by defendant’s default. The Report gave the parties fourteen days to file written objections to the Report, and warned the parties that failure to file timely objections would waive those objections for the purposes of appeal. (Report at 7.) No objections were filed by CadleRock or Negron.

A district court judge may designate a magistrate judge to hear and determine certain matters and to submit to the court proposed findings of fact and a recommendation as to the disposition of the matter. *See* 28 U.S.C. § 636(b)(1). Any party may file written objections to the magistrate’s Report and Recommendation. *Id.* In

reviewing a Report and Recommendation, the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where no objection to a Report and Recommendation has been filed, the district court “need only satisfy itself that there is no clear error on the face of the record.” *Urena v. New York*, 160 F.Supp.2d 606, 609–10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

As neither party objected to Judge Maas’s Report within the authorized period, the Court reviews it for clear error only.

Upon review, the Court finds one clear error, in Section V of the Report (“Conclusion”), which should state in relevant part that CadleRock is “entitled to recover per diem interest in the amount of \$28.06 per day from February 16, 2011, through the date final judgment is entered.” This accords with Section B of the Report (“Interest”).

With this modification, the Court hereby affirms and adopts the Report in its entirety as the opinion of the Court as to damages.

Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED, that Plaintiff CADLEROCK JOINT VENTURE, L.P., 100 North Center Street, Newton Falls, Ohio 44444, recover of Defendant EDWIN NEGRON, 32 Capital Drive, Washingtonville, New York 10992, the principal sum of \$101,108.18, together with interest through February 15, 2011 in the sum of \$23,429.76, together with per diem interest at the rate of \$28.06 per day for 357 days (from February 16, 2011 through entry of judgment on February 7, 2012, inclusive) in the sum of \$10,017.42, together with late fees in the sum of \$109.50, together with costs and expenses in the sum of \$425.00, for a **total sum of \$135,089.86**, and that Plaintiff have execution therefor.

The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: New York, New York
February 7, 2012



Richard J. Holwell
United States District Judge